

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL SCHILLER, et al.,

Plaintiffs,

-against-

CITY OF NEW YORK, ET AL.,

Defendants.  
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**NOTICE OF MOTION**

04-CV-7922 (RJS) (JCF)

RNC CONSOLIDATED CASES<sup>1</sup>

(RJS) (JCF)

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**PLEASE TAKE NOTICE** that, upon the annexed Local Civil Rule 56.1 Statement, dated October 3, 2011; the Declaration of Assistant Corporation Counsel Fred M. Weiler, dated October 3, 2011, and the exhibits annexed thereto; the accompanying Memorandum of Law; and upon all prior pleadings and proceedings had herein, defendants will move this Court before the Honorable Richard J. Sullivan, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl St. New York, New York 10007, at a date and time to be determined by the Court, for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure to dismiss plaintiffs' federal and state law false arrest claims in relation to arrests in the vicinity of Church and Fulton Streets on August 31, 2004, and for such other and further relief as the Court may deem just and proper.

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<sup>1</sup>Defendants are filing this motion in the following cases: *Schiller v. City of New York*, 04 CV 7922; *Abdell v. City of New York*, 05 CV 8453; *Macnamara v. City of New York*, 04 CV 7921; *Pagoda v. City of New York*, 05 CV 7546; *Meehan v. City of New York*, 05 CV 5268; and *Botbol v. City of New York*, 05 CV 1572.

**PLEASE TAKE FURTHER NOTICE** that opposition papers, if any, must be served on the undersigned on or before November 3, 2011 pursuant to the Court's prior order.

Dated: New York, New York  
October 3, 2011

MICHAEL A. CARDOZO  
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*Attorneys for Defendants*  
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By: 

Fred M. Weiler  
Cheryl L. Shammas  
Peter G. Farrell

TO: RNC Plaintiffs' Attorneys in:

*Schiller v. City of New York*, 04 CV 7922  
*Abdell v. City of New York*, 05 CV 8453  
*Macnamara v. City of New York*, 04 CV 7921  
*Pagoda v. City of New York*, 05 CV 7546  
*Meehan v. City of New York*, 05 CV 5268  
*Botbol v. City of New York*, 05 CV 1572.